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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT – OAKLAND DIVISION

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| CAROLYN BLANCHARD, |) Case No.: C 08-04307 SBA |
| Plaintiff, |) |
| |) ORDER FOR REMAND |
| v. |) |
| PIER 1 IMPORTS (U.S.), INC., RICHARD |) Date of Hearing: November 18, 2008 |
| ALLEN CLAPHAM, |) Time of Hearing: 1:00 p.m. |
| |) Courtroom No. 3, 3 rd Floor, 1301 Clay St., |
| AND DOES 1 through 100, |) Oakland, CA 94612-5212 |
| Defendants. |) |
| |) |
| |) |
| |) |

TO ALL PARTIES AND THEIR ATTORNEY'S OF RECORD:

Pursuant to Title 28 USC §1447(c), and based on the documents and arguments presented before this Court, the District Court is without jurisdiction in this matter as there is no diversity jurisdiction where defendant CLAPHAM, a necessary party, and plaintiff are citizens of California. Furthermore, there is no federal question upon which this Court may retain jurisdiction.

No attorney fees or costs will be awarded to plaintiff.

This action is hereby immediately remanded to the Superior Court of California in Sonoma County where it was originally filed. The Motion to Dismiss and all other hearings currently set with this Court are vacated.

IT IS SO ORDERED.

Dated: 12/11/08


Honorable Judge Armstrong